

Chase J. Potter  
Texas State Bar No. 24088245  
potter@imcplaw.com  
Joshua J. Iacuone  
Texas State Bar No. 24036818  
josh@imcplaw.com  
Joshua L. Shepherd  
Texas State Bar No. 24058104  
shepherd@imcplaw.com  
Anna Olin Richardson  
Texas State Bar No. 24102947  
anna@imcplaw.com  
IACUONE MCALLISTER POTTER PLLC  
Energy Square One  
4925 Greenville Ave., Suite 1112  
Dallas, Texas 75206  
214.432.1536

**ATTORNEYS FOR PLAINTIFFS**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

<b>IN RE:</b>	§	
	§	<b>CHAPTER 11</b>
	§	
<b>RHODIUM ENCORE, LLC, et al.,</b>	§	<b>CASE NO. 24-90448</b>
	§	<b>(Bankr. S.D. Tex.)</b>
<b>Debtor.</b>	§	
	§	

---

<b>345 PARTNERS SPV2 LLC, GRANT</b>	§	
<b>FAIRBAIRN, AS TRUSTEE AND ON</b>	§	
<b>BEHALF OF GRANT FAIRBAIRN</b>	§	
<b>REVOCABLE TRUST, NINA</b>	§	<b>ADV. NO. 25-04008</b>
<b>FAIRBAIRN, AS TRUSTEE AND ON</b>	§	
<b>BEHALF OF NINA CLAIRE FAIRBAIRN</b>	§	
<b>REVOCABLE TRUST, RICHARD</b>	§	
<b>FULLERTON, WILLIAM HO, AS</b>	§	
<b>TRUSTEE AND ON BEHALF OF GR</b>	§	
<b>FAIRBAIRN FAMILY TRUST, NCF</b>	§	
<b>EAGLE TRUST, GRF TIGER TRUST,</b>	§	
<b>AND NC FAIRBAIRN FAMILY TRUST,</b>	§	
<b>SCOTT KINTZ, AS TRUSTEE AND ON</b>	§	
<b>BEHALF OF KINTZ FAMILY TRUST,</b>	§	
<b>JACOB RUBIN, TRANSCEND</b>	§	
<b>PARTNERS LEGEND FUND LLC,</b>	§	
<b>VALLEY HIGH LP, JERALD</b>	§	

<b>WEINTRAUB, AS TRUSTEE AND ON</b>	§
<b>BEHALF OF JERALD AND MELODY</b>	§
<b>HOWE WEINTRAUB REVOCABLE</b>	§
<b>LIVING TRUST DTD 02/05/98, AS</b>	§
<b>AMENDED, AND MIKE WILKINS, AS</b>	§
<b>TRUSTEE AND ON BEHALF OF</b>	§
<b>WILKINS-DUIGNAN 2009 REVOCABLE</b>	§
<b>TRUST,</b>	§
 <b>Plaintiffs,</b>	§
 v.	§
 <b>NATHAN NICHOLS, CHASE</b>	§
<b>BLACKMON, CAMERON BLACKMON,</b>	§
<b>NICHOLAS CERASUOLO, AND</b>	§
<b>IMPERIUM INVESTMENTS</b>	§
<b>HOLDINGS, LLC,</b>	§
 <b>Defendants.</b>	§

**PLAINTIFFS’ MOTION TO REMAND AND ABSTAIN**

Pursuant to 28 U.S.C. §§ 1334(c) and 1452(b), Plaintiffs 345 Partners SPV2 LLC, Grant Fairbairn, as Trustee and on behalf of the Grant Fairbairn Revocable Trust, Nina Fairbairn, as Trustee and on behalf of the Nina Claire Fairbairn Revocable Trust, Richard Fullerton, William Ho, as Trustee and on behalf of the GR Fairbairn Family Trust, NCF Eagle Trust, GRF Tiger Trust, and NC Fairbairn Family Trust, Scott Kintz, as Trustee and on behalf of the Kintz Family Trust, Jacob Rubin, Transcend Partners Legend Fund LLC, Valley High LP, Jerald Weintraub, as Trustee and on behalf of the Jerald and Melody Howe Weintraub Revocable Living Trust DTD 02/05/98, as amended, and Mike Wilkins, as Trustee and on behalf of the Wilkins-Duignan 2009 Revocable Trust (collectively, “Plaintiffs”) hereby respectfully file this *Motion to Remand and Abstain* (the “Motion”) and move this Court for an order remanding this action to the state court in which it was originally filed.

Pursuant to Rule 7007-1(d) of the Local Bankruptcy Rules of the United States Bankruptcy Court for the Northern District of Texas, the grounds, contentions of facts and law, and arguments and authorities supporting Plaintiffs' request for this Court to grant their Motion to remand and/or abstain and send this lawsuit back to the state court in which it was originally filed are set forth in the separate *Brief in Support of Plaintiffs' Motion to Remand and Abstain* (the "Brief"), which is being filed concurrently herewith.

Respectfully submitted,

*/s/ Chase J. Potter*

---

**CHASE J. POTTER**

Texas State Bar No. 24088245

[potter@imcplaw.com](mailto:potter@imcplaw.com)

**JOSHUA J. IACUONE**

Texas State Bar No. 24036818

[josh@imcplaw.com](mailto:josh@imcplaw.com)

**JOSHUA L. SHEPHERD**

Texas State Bar No. 24058104

[shepherd@imcplaw.com](mailto:shepherd@imcplaw.com)

**ANNA OLIN RICHARDSON**

Texas State Bar No. 24102947

[anna@imcplaw.com](mailto:anna@imcplaw.com)

**IACUONE MCALLISTER POTTER PLLC**

Energy Square One

4925 Greenville Ave., Suite 1112

Dallas, Texas 75206

214.432.1536

**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF CONFERENCE**

I hereby certify that, on February 19, 2025, via e-mail correspondence and prior to filing this Motion, I conferred with Moving Defendants' counsel (Rhonda Mates) regarding the relief requested in this Motion and the related Brief in support. Ms. Mates informed me that Moving Defendants are opposed to the Motion and the relief requested.

/s/ Chase J. Potter

CHASE J. POTTER

**CERTIFICATE OF SERVICE**

This is to certify that on this 20th day of February, 2025, a true and correct copy of the foregoing document was served on counsel of record via the Court's ECF system, and by first class mail, postage prepaid, to:

Stephen Wayne Lemmon and  
Rhonda Bear Mates  
Streusand, Landon, Ozburn & Lemmon, LLP  
1801 S. Mopac Expressway, Suite 320  
Austin, TX 78746

COUNSEL FOR THE MOVING DEFENDANTS

/s/ Chase J. Potter

CHASE J. POTTER